

### **REMARKS**

Applicant respectfully requests reconsideration of this application, as amended herein. Claims 1-4, 6, 7, and 9-21 were pending in the application. Claims 1, 14, and 19 have been amended for further clarification. Therefore, Claims 1-4, 6, 7, and 14-21 are pending in the application.

The Examiner rejected Claims 1-4, 6, 7, and 9-21 under 35 U.S.C. 103(a) as being unpatentable over Travis et al. [US5380007] in view of the DC Lottery's "DC Lucky Numbers." Applicant respectfully traverses the rejection.

Applicant has amended Claims 1, 14, and 19 to clarify the meaning of the terms ORDER and DISORDER and further defined the table of values to include particular winning lines in the DISORDER and COMBINATION styles of play of the game. Nothing in Travis et al. or DC Lucky Numbers discloses or even suggests the limitations of the claims as amended.

Furthermore, Travis et al. describes a lottery game having four elements to match and DC Lucky Numbers describes a lottery game having three elements to match. There is no teaching or suggestion, in either reference, that a player can select the number of elements to match as well as the specific elements, in a single game. The section indicated by the Examiner (col. 2, lines 3-5) merely describes the ability to select the numbers he or she desires to play. It does not describe an ability to first select how many elements to try to match and then select the specific elements.

Additionally, while the DC Lottery game allows a win for matching all the selected numbers in the wrong order, the DISORDER embodiment of the present invention provides a win for matching less than all elements in a different position. In fact, in the present invention, it is possible to obtain a win by matching none of the selected elements, because the probability of such an event is included in the Table of Values (page 18, lines 4-6).

Each of independent claims 1, 14, and 19 include the limitation of the player selecting the quantity of elements to be matched and selecting the specific elements for matching. As neither Travis et al. nor DC Lucky Numbers, either separately or in combination, teach or suggest such a limitation, claims 1, 14, and 19 are patentably distinguished. Likewise, the claims that depend from the independent claims are also patentably distinguished.

The Examiner rejected Claims 15 and 18 under 35 U.S.C. 103(a) as being unpatentable over Travis et al. in view of the DC Lottery's "DC Lucky Numbers" and further in view of

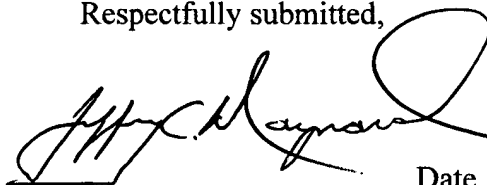
Morro et al. [US5947820]. Applicant respectfully traverses the rejection.

Claims 15 and 18 depend from Claim 14 and incorporate the same limitations as Claim 14, which, as described above, is patentably distinguished from the references. Thus, Claims 15 and 18 are patentably distinguished.

**CONCLUSION**

Applicant has made a diligent effort to address the objections identified by the Examiner and believe all claims remaining in the application are allowable. Accordingly, a Notice of Allowability is respectfully requested. However, if the Examiner is of the opinion that the present application is not in condition for allowance, Applicant respectfully requests that the Examiner contact Applicant's attorney at the telephone number listed below so that additional changes may be discussed.

Respectfully submitted,

 2/11/05

Date

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